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09/843,901	04/27/2001	Scott R. Shell	50037.20USU1	9891

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EXAMINER

HENNING, MATTHEW T

ART UNIT PAPER NUMBER

2131

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/843,901

Applicant(s)

SHELL ET AL.

Examiner

Matthew T Henning

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

This action is in response to the communication filed on 10/27/2004.

**DETAILED ACTION**

1. Claims 1-28 have been examined.
2. All Objections and Rejections not specifically set forth below have been withdrawn.

***Title***

3. The title of the invention is acceptable.

***Priority***

4. The application has been filed under Title 35 U.S.C §119, claiming priority to US Provisional Application 60/269,737, filed February 16, 2001.
5. The effective filing date for the subject matter defined in the pending claims in this application is February 16, 2001.

***Information Disclosure Statement***

6. The information disclosure statement (IDS) submitted on 1/23/2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

***Drawings***

7. The drawings filed on 04/27/2001 are acceptable for examination proceedings.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

9. Claims 1-7, and 13-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Austin (US Patent Number 6,259,908).

10. Claim 1 recites a computer-implemented method for maintaining configuration information on a mobile device (See Austin Abstract and Figure 1), comprising: receiving a message including a request associated with configuration information stored on the mobile device (See Austin Fig. 5 Step 504 and Col. 10 Lines 27-61); associating a security role with the received message (See Austin Fig. 5 Steps 508-522, especially 518 and Col. 10 Lines 42-49 and Col. 11 Line 62 – Col. 12 Line 22); determining at least one configuration setting within the configuration information affected by the received message (See Austin Fig. 5 Step 524, Col. 10 Paragraph 2 and Col. 10 Line 49 – Col. 11 Line 26); comparing the security role with a security privilege associated with the at least one configuration setting (See Austin Figure 5 Step 522 and Col. 12 Paragraph 2); and if the security role is in agreement with the security privilege associated with the at least one configuration setting, processing the request associated with the configuration information (See Austin Figure 5 Step 524 and Col. 12 Paragraph 3).

11. Claim 2 recites that associating the security role with the received message comprises assigning a particular security role based on a source of the message (See Austin Col. 12 Lines 10-23).

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12. Claim 3 recites that the source of the message is identified from information within the message (See Austin Col. 12 Paragraph 2 wherein the source of the message is revealed through the matching of the key received in the message).

13. Claim 4 recites that the information within the message includes a shared key that identifies the source of the message (See Austin Col. 12 Paragraph 2).

14. Claim 5 recites that the processing the request associated with the configuration information further comprises comparing the security role with another security privilege associated with a configuration service provider, the configuration service provider being responsible for managing the configuration information stored on the mobile device (See Austin Summary of the Invention Paragraphs 1-3 and Col. 12 Paragraphs 2-3).

15. Claim 6 recites that if the security role is not in agreement with the other security privilege, the request is not processed (See Austin Col. 12 Paragraph 3).

16. Claim 7 recites that if the security role is in agreement with the security privilege associated with the at least one configuration setting and with the other security privilege associated with the configuration service provider, the configuration service provider processes the request by accessing the configuration information (See Austin Col. 12 Paragraph 3).

17. Claim 13 recites a computer-readable medium having computer-executable instructions for maintaining configuration information on a mobile device, comprising: receiving a configuration message including an instruction associated with a configuration setting stored on the mobile device; associating a security role with the instruction; comparing the security role of the instruction with a security role associated with the configuration setting stored on the mobile device; and if the security role of the instruction is in agreement with the security role of the

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configuration setting, processing the instruction (See Austin Abstract, Col. 7 Paragraph 4, and rejection of claim 1 above, wherein the message is a request instruction).

18. Claim 14 is rejected for the same reasons as claim 2 above.

19. Claim 15 is rejected for the same reasons as claim 3 above.

20. Claim 16 is rejected for the same reasons as claim 4 above.

21. Claim 17 is rejected for the same reasons as claim 5 above.

22. Claim 18 is rejected for the same reasons as claim 6 above.

23. Claim 19 is rejected for the same reasons as claim 7 above.

24. Claims 20, and 25-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Win et al. (US Patent Number 6,161,139) hereinafter referred to as Win.

25. Claim 20 recites a computer-readable medium within a mobile device, comprising: a data structure associated with a configuration setting and a configuration service provider (See Win Table 1 and Col. 16 Paragraph 3), the configuration setting being associated with a software component resident on the mobile device (See Win Col. 26 Paragraph 4 and Col. 12 Paragraph 5), the configuration service provider being responsible for maintaining the configuration setting (See Win Col. 13 Paragraph 2) wherein the data structure comprises a first field including a security role associated with the configuration setting, the security role of the configuration setting identifying a setting privilege which must be had in order to access the configuration setting (See Win Table 1 Administrative Privilege Levels); and a second field including a security role associated with the configuration service provider, the security role of the configuration service provider identifying a provider privilege which must be had in order to

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make use of the configuration service provider (See Win Table 1 Function Rows). (Also See Win Col. 6 Paragraph 7, Col. 13 Lines 41-44, and Col. 17 Paragraph 1).

26. Claim 25 recites that the first field further comprises a policy field that identifies the configuration setting as a policy setting (See Win Table 1 wherein it was inherent that because the settings were in the table, they were identified as policy settings).

27. Claim 26 recites that the policy setting can only be modified by an instruction generated by a particular source (See Win Table 1 which showed that only certain sources can modify settings).

28. Claim 27 recites that the particular source includes administrative privileges (See Win Table 1 Administrative Privilege Level).

29. Claim 28 recites that the policy setting may only be modified locally (See Win Col. 15 Paragraph 6 and Fig. 1 Element 114).

### *Claim Rejections - 35 USC § 103*

30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

31. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Austin, and further in view of Rogers et al. (US Patent Number 6,301,484) hereinafter referred to as Rogers.

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32. Regarding claim 8, Austin disclosed a computer-readable medium having computer-executable components for managing security on a mobile device (See Austin Abstract and Col. 7 Paragraph 4), comprising: a stored setting having an assigned security role that identifies a privilege that an entity attempting to access the stored setting must satisfy in order to access the stored setting (See Austin Col. 7 Paragraph 3 – Col. 7 Paragraph 3 and Fig. 2 Elements 56 and 58); a router configured to receive a configuration message over a wireless communication link (See Austin Fig. 2 Element 46), the configuration message including an instruction that affects a configuration setting (See Austin Col 10 Paragraphs 2-3); and a configuration manager (See Austin Fig. 2 Element 50) configured to receive the configuration message from the router and to parse the configuration message to identify the configuration setting affected by the configuration message (See Austin Col. 10 Paragraph 2), the configuration manager being further configured to compare security privileges associated with the source of the configuration message to security roles assigned to configuration settings stored on the mobile device (See Austin Figure 5 Step 522 and Col. 12 Paragraph 2), wherein if the configuration setting identified in the configuration message identifies the stored setting, and wherein if the source of the configuration message has sufficient privilege to access the stored setting, the configuration manager causes the instruction that affects the configuration setting to be processed (See Austin Figure 5 Step 524 and Col. 12 Paragraph 3). However, Austin failed to disclose the router being further configured to identify a source of the configuration message and to pass the configuration message to other components of the mobile device.



Rogers teaches a method for recognizing configuration messages such that only configuration messages are processed as such and all other messages are processed as normal data messages (See Rogers Col. 5 Paragraphs 2-3).

It would have been obvious to the ordinary person skilled in the art at the time of invention to employ the teachings of Rogers to the configuration message system of Austin in order separate configuration messages from ordinary messages. This would have been obvious because the ordinary person skilled in the art would have been motivated to prevent attempts to alter the phone's configuration in the case when a normal message is received at the phone.

33. Claim 9 recites a configuration service provider configured to manage at least one configuration setting 18 stored on the mobile device, and wherein the processing of the instruction is performed by the configuration service provider (See Austin Summary of the Invention Paragraphs 1-3 and Col. 12 Paragraphs 2-3).

34. Claim 10 recites that the configuration service provider has an assigned security role that identifies a privilege that must be associated with an instruction that affects a configuration setting which the configuration service provider maintains (See Austin Summary of the Invention Paragraphs 1-3 and Col. 12 Paragraphs 2-3).

35. Claim 11 recites that the configuration manager is further configured to determine if the instruction that affects the configuration setting is in agreement with the security role assigned to the configuration service provider that maintains the affected configuration setting, and if so, the configuration manager is further configured to pass the instruction to the configuration service provider to be handled (See Austin Figure 5 Step 524 and Col. 12 Paragraph 3).

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36. Claim 12 recites that the configuration service provider determines if the instruction is in agreement with the security role assigned to the stored setting prior to processing the instruction, and if not, terminating the processing of the instruction (See Austin Figure 5 Steps 522, 524, and 526 and Col. 12 Paragraphs 2-3).

37. Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Austin, and further in view of Win.

38. Regarding claim 21, Austin disclosed a configuration message received over a wireless communication link between a source of the configuration message and the mobile device, the second data structure including an instruction to access the configuration setting, the instruction having an associated security role based on the source of the configuration message (See rejection of Claim 1 above), but failed to disclose a data structure holding the configuration access privileges in two fields as claimed in claim 20 above.

Win teaches that in order to allow for secure access to configuration information, a group of roles is defined and each role is given privileges to certain configuration information, and these roles are stored in a data structure (See Rejection of Claim 20 above).

It would have been obvious to the ordinary person skilled in the art at the time of invention to employ the teachings of Win in the configuration access method of Austin by providing a data structure to hold the access information. This would have been obvious because the ordinary person skilled in the art would have been motivated to easily allow secure but flexible access to the configuration information of the cellular telephone.

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39. Claim 22 recites a configuration manager configured to cause the instruction to be processed if the security role of the instruction is in agreement with the security role of the configuration setting (See Austin Col. 11 Paragraph 5 – Col. 12 Paragraph 3).

40. Claim 23 recites a configuration manager configured to cause the instruction to be processed if the security role of the instruction is in agreement with the security role of the configuration service provider (See Austin Col. 11 Paragraph 5 – Col. 12 Paragraph 3).

41. Claim 24 recites a configuration manager configured to invoke the configuration service provider if the security role of the instruction is in agreement with the security role of the configuration service provider, the configuration service provider being further configured to process the instruction if the security role of the instruction is in agreement with the security role of the configuration setting (See Austin Col. 11 Paragraph 5 – Col. 12 Paragraph 3).

*Response to Amendment*

42. Applicant's arguments filed 10/27/2004 have been fully considered but they are not persuasive.

43. Applicant argues primarily that:

I. Austin did not disclose, “receiving a message including a request associated with configuration information stored on the mobile device”;

II. Austin did not disclose, “associating a security role with the received message”;

III. Austin did not disclose, “determining at least one configuration setting within the configuration information affected by the received message”;

IV That Table 1 of Win was merely for illustrative purposes and therefore does not constitute a data structure, and therefore Win did not disclose “a data structure with a

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configuration setting and a configuration service provider, the configuration setting being associated with a software component resident on the mobile device”;

V. There is no reason to combine Austin with Rogers; and

VI. Austin and Win cannot be modified in the manner relied upon above.

44. Regarding the argument I. with regards to claim 1, that Austin did not disclose, “receiving a message including a request associated with configuration information stored on the mobile device”, the examiner does not find the argument persuasive. Clearly, as can be seen from Austin Fig. 5 Step 504, the mobile device received a configuration data request. As its name implied, the configuration data request was a request associated with configuration data, or information. This configuration information was stored on the mobile device, as can be seen in the explanation of this step by Austin in Col. 10 Lines 27-61. Furthermore, because the request was received by the mobile telephone from a remote base station wirelessly, the request constitutes a message.

45. In response to the applicant’s argument II. as applied to claim 1, that Austin did not disclose, “associating a security role with the received message”, the examiner does not find the argument persuasive. Austin disclosed determining whether the sender of the configuration data request was authorized to access the data or to activate the phone (See Austin Col. 10 Lines 42-49). This process was shown by Austin in Fig. 5 Steps 508-522, Austin Step 518 provides that step in which the base station provides a key, indicating the authorization to view the requested configuration data, and to activate the mobile phone (See Austin Col. 11 Line 62 – Col. 12 Line 22). The determining of the key constituted associating a security role with the received message. This is due to the fact that the security role of the base station, which sent the

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configuration data request, is established by the generation and transmitting of the authorization key.

46. In response to the applicant's argument III. as applied to claim 1, that Austin did not disclose, "determining at least one configuration setting within the configuration information affected by the received message", the examiner does not find the argument persuasive. Austin disclosed monitoring whether a configuration data request had been received by the mobile telephone (See Austin Col. 10 Paragraph 2). As such, when a request was received it was inherent that the determination was made that the requested data was affected by the request. This was inherent in order for access to the correct data to have been granted to the requesting base station (See Austin Fig. 5 Step 524). Furthermore, Austin further disclosed determining which lock codes were associated with the data request (See Austin Col. 10 Line 49 – Col. 11 Line 26), and therefore which lock codes were affected by the data request.

47. Regarding the applicant's argument I, II, and III. with regards to claim 13, the applicant has applied the same arguments as to claim 1, and therefore the examiner does not find them persuasive for the same reasons as presented for claim 1 above.

48. Regarding claims 2-7, and 14-19, the examiner maintains the rejections set forth above.

49. In response to the argument IV. as applied to claim 20, that the Table 1 of Win was merely for illustrative purposes and therefore does not constitute a data structure, and therefore Win did not disclose "a data structure with a configuration setting and a configuration service provider, the configuration setting being associated with a software component resident on the mobile device", the examiner does not find the argument persuasive. Win did not provide Table 1 merely for illustrative purposes, as applicant claims. Win disclosed that the tables provided in

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the specification were a preferred arrangement for the database tables (See Win Col. 13 Lines 41-44), that the Registry Repository stored the data contained in Table 1 (See Win Col. 17 Paragraph 1), and that the Registry Repository was structured as a database (See Win Col. 6 Paragraph 7). Win disclosed the computer comprising the system being wireless (See Win Col. 26 Paragraph 4), and that the wireless/mobile computer contained software for configuring the roles of users (See Win Col. 12 Paragraph 4). Therefore, Win did in fact disclose “a data structure with a configuration setting and a configuration service provider, the configuration setting being associated with a software component resident on the mobile device”.

50. With regards to claims 25-28, the examiner maintains the rejections set forth above.

51. With regards to applicant's argument V. as applied to claim 8, that there is no motivation to combine Austin and Rogers, applicant's arguments fail to comply with 37 CFR 1.111(b) because they fail to point out the errors in the combination of Austin and Rogers. As such, the examiner finds the arguments not persuasive and therefore maintains the rejection presented above. Further, with regards to the applicant's argument I. as applied to claim 8, the examiner maintains the rejection set forth above for the same reasons as claim 1 above.

52. With regards to claims 9-12, the examiner maintains the rejections set forth above for the same reasons as discussed for claim 8 above.

53. With regards to the applicant's argument VI, as applied to claim 21-24, that the prior art cannot be modified in the manner suggested above, applicant's arguments fail to comply with 37 CFR 1.111(b) because they fail to point out the errors in the combination of Austin and Win. As such, the examiner finds the arguments not persuasive and therefore maintains the rejection presented above.

*Conclusion*

54. Claims 1-28 have been rejected.

55. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew T Henning whose telephone number is (571) 272-3790. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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2/7/2005



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